

AMENDED

Nº 43961

APPLICATION FOR PERMIT

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

JUN 29 1981

Date of filing in State Engineer's Office

Returned to applicant for correction SEP 3 1981

Corrected application filed NOV 2 1981

Map filed NOV 2 1981 under 43957

The applicant Frank Paxton & Family

JD Ranch

Carlin

Street and No. or P.O. Box No.

City or Town

Nevada 89822

State and Zip Code No.

, hereby make application for permission to appropriate the public waters of the State of Nevada, as hereinafter stated. (If applicant is a corporation, give date and place of incorporation; if a copartnership or association, give names of members.) Frank Paxton & Family, a partnership consisting of Franklin T. and Maurine C. Paxton, C. Tad Paxton and Genevieve P. Rawson, partners, and Frank Paxton

1. The source of the proposed appropriation is Dry Canyon Spring

Name of stream, lake or other source.

2. The amount of water applied for is 0.10 cfs second-feet
One second-foot equals 448.83 gals. per min.

(a) If stored in reservoir give number of acre-feet acre-feet

3. The water to be used for Stockwater & Domestic

Irrigation, power, mining, manufacturing, domestic, or other use. Must limit to one use.

4. If use is for:

(a) Irrigation (state number of acres to be irrigated)

(b) Stockwater (state number and kinds of animals to be watered) 1,000 head of cattle

(c) Other use (describe fully under "No. 12. Remarks")

(d) Power:

(1) Horsepower developed

(2) Point of return of water to stream

5. The water is to be diverted from its source at the following point: SW¼ NE¼ of Section 36,

T 24 N, R 50 E, MDM, at a point from which the SE corner of Section 35,

Describe as being within a 40-acre subdivision of public survey, and by course and distance to a section corner. If on unsurveyed land, T 24 N, R 51 E, MDM bears S 83° 00' E 28,714 feet
it should be stated.

6. Place of use SW¼ NE¼ of Section 36, T 24 N, R 50 E, MDM

Describe by legal subdivision, if on unsurveyed land it should be so stated.

7. Use will begin about January 1 and end about December 31, of each year.
Month and Day Month and Day

8. Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans and specifications of your diversion or storage works.) clean and improve the spring site to

insure constant flow

State manner in which water is to be diverted, i.e. diversion structure, ditches and flumes, drilled well with pump and motor, etc.

9. Estimated cost of works.....\$1,000.00
10. Estimated time required to construct works.....2 years
If well completed, describe works.
11. Estimated time required to complete the application to beneficial use.....3 years
12. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use.

Please send copies of all correspondence and notices to undersigned agent.

Pro. 1/11/82 BLM
Pro. Overruled 12/18/90
See Ruling #3764
Compared.....js/sg.....am/se

By.....s/William A. Nisbet
Agent.....Signature, applicant or agent
421 Court
Elko, Nevada 89801

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit is issued subject to all existing rights on the source. It is understood that the amount of water herein granted is only a temporary allowance and that the final water right obtained under this permit will be dependent upon the period of use and the average number of livestock served from the waters of this source. The State retains the right to regulate the use of the water herein granted at any and all times but does not take responsibility for the use of the Federal range.

This permit is issued to appropriate additional stockwater from Upper Dry Creek Springs as described under Proof 01199 under the Pete Hanson Creek Decree. This permit is issued to appropriate water for an additional 700 head of cattle from September 1st through March 1st of the following year and 1,000 head of cattle from March 2nd through August 31st of each year in order to provide stockwater on an annual basis.

This permit is issued subject to the conditions of State Engineer's Ruling No. 3764 dated December 18, 1990.

This Permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

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The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and

not to exceed.....0.0312 cubic feet per second, or sufficient to water
1,000 head of cattle from March 2nd to August 31st of each year and 700
head of cattle from September 1st through March 1st of the following year.

Actual construction work shall begin on or before.....N/A

Proof of commencement of work shall be filed before.....N/A

Work must be prosecuted with reasonable diligence and be completed on or before.....January 18, 1992

Proof of completion of work shall be filed before.....February 18, 1992

Application of water to beneficial use shall be made on or before.....January 18, 1994

Proof of the application of water to beneficial use shall be filed on or before.....February 18, 1994

Map in support of proof of beneficial use shall be filed on or before.....N/A

Commencement of work filed.....MAR 6 1992
Completion of work filed.....MAR 17 1993
Proof of beneficial use filed.....MAR 17 1993
Cultural map filed.....
Certificate No. 13702 Issued AUG 24 1993

IN TESTIMONY WHEREOF, I, R. MICHAEL TURNIPSEED, P.E.
State Engineer of Nevada, have hereunto set my hand and the seal of
my office, this 18th day of January, A.D. 1991

(PERMIT TERMS CONTINUED)

The total combined duty of water under Permits 43961 and Proof 01199, Pete Hanson Creek Decree shall not exceed 7.81 million gallons annually.

This permit is subject to the condition that the permittee must ensure that wildlife which have customarily used such water will have access thereto, NRS 533.367.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.